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Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830

In re Application of
TIEMANN
Application No.: 10/567,667
PUT No.: PCT/EP04/07333
Int. Filing Date: 05 July 2004
Priority Date: 11 August 2003
Attorney Docket No.: 2003P09584WOUS
For: GAS TURBINE HAVING A SEALING
ELEMENT BETWEEN THE VANE AND
THE MOVING BLADE RING OF THE
TURBINE PART

DECISION ON PETITION

UNDER 37 CFR 1.43

This application is before the Office of PCT Legal Administration for issues arising under 35 U.S.C. 371. The declaration filed 09 February 2006 is being treated as a request for status pursuant to 37 CFR 1.43. No petition fee is required.

BACKGROUND

On 05 July 2004, applicant filed the international application, which claimed a priority date of 11 August 2003. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 03 March 2005. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 11 February 2006.

On 09 February 2006, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by the requisite basic national fee, an English translation of the international application, a preliminary amendment, an Information Disclosure Statement, an assignment document for recording and a combined declaration and power of attorney executed by Iris Oltmanns as the legal representative of inventor Peter Tiemann who was identified as comatose.

DISCUSSION

Pursuant to 37 CFR 1.43, first sentence:

In case an inventor is insane or otherwise legally incapacitated, the legal representative (guardian, conservator, etc.) of such inventor may make the necessary oath or declaration, and apply for and obtain the patent.

In addition, 37 CFR 1.497(b)(2) states:

If the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§§ 1.42, 1.43, or § 1.47), the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state.

A review of the filed declaration finds that applicant has satisfied both of these regulations and it is proper to grant applicant's request at this time.

CONCLUSION

Applicant's request for status under 37 CFR 1.43 is **GRANTED**.

This application will be given an international application filing date of 05 July 2004 and a date of **09 February 2006** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the DO/EO/US for processing in accordance with this decision.



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